

September 23, 2011

Dan Olsen, Attorney at Law
2918 SE Main St.
Portland, OR 97214

Dear Mr. Olsen,

Subject: Finding of Fact Regarding Commissioner Rob Handy

Statement of Allegation: Retaliation

On July 11, 2011, at 10:56 AM, Lane County Administrator Liane Richardson emailed Lane County Human Resources Director Madilyn Zike to make a retaliation complaint against Lane County Commissioners Rob Handy and Pete Sorenson. After receiving the email, Ms. Zike personally met with Ms. Richardson to interview her.

On July 22, 2011, after receiving authorization from the Lane County Board of Commissioners Chair and Legal Counsel, Ms. Zike requested Local Government Personnel Institute to conduct an investigation and a finding of fact report into the complaint of retaliation. I was assigned to conduct the investigation and complete the investigation report and finding of fact reports.

Listed below is a summary of accusations reported by Ms. Richardson against Commissioners Handy and Sorenson:

- Commissioners Handy and Sorenson are feeding questions to a Eugene Weekly reporter regarding decisions Ms. Richardson is making in certain areas.
- Ms. Richardson has asked Commissioner Handy to ask her questions directly and Commissioner Handy has not responded; instead he is contacting a reporter and other members of her staff.
- Commissioner Handy will not communicate with Ms. Richardson.
- Commissioner Handy is communicating information that is not truthful about Ms. Richardson.

- Commissioners Handy and Sorenson did not vote for Ms. Richardson's appointment as permanent county administrator. Commissioners Handy and Sorenson voted against Ms. Richardson receiving a pay bonus.
- Commissioners Handy and Sorenson will not support Ms. Richardson as county administrator.
- Commissioner Handy has called Ms. Richardson a liar and said she is not to be trusted.
- Commissioner Handy's attorney sent Ms. Richardson a letter.
- Ms. Richardson believes that Commissioners Handy and Sorenson are retaliating against her because of her role as County Legal Counsel in the Dumdi lawsuit.

The investigation began on July 28, 2011, and was completed on September 21, 2011. Attached is a copy of the Investigation Report and 60 exhibits. A total of 27 people were interviewed which included Ms. Richardson and Commissioners Sorenson and Handy.

Finding: Unfounded

Evidence in the investigation does not support the allegation of retaliation. This finding is based on the methodology used of reviewing and analyzing Word and email documents; county policies; viewing webcam recordings of board meetings; conducting interviews in person and over the telephone; and collecting all direct and physical evidence by email; note taking; and audio recording when needed.

Commissioner Handy is within his First Amendment rights to communicate his opinion to reporters from the media, and there is no evidence he was feeding questions to reporters. Also, Commissioner Handy is within his elected authority as a board member of the Lane County Commissioners to direct questions to people who appear before the board, and vote as he sees fit on issues, policies and appointments. Commissioner Handy approved the appointment of Ms. Richardson as the Interim County Administrator in November, 2010, and then voted for open recruitment to permanently fill the position in May, 2011, but was in the minority of board members to approve this motion. Commissioner Handy was again in the minority when he exercised his lawful vote opposing the motion to permanently appoint Ms. Richardson as County Administrator. Last, Commissioner Handy had the lawful right to vote against Ms. Richardson receiving a pay bonus as County Administrator.

During this investigation there were some comments made about Commissioner Handy's body language and facial expressions demonstrating retaliatory behavior toward Ms. Richardson in board meetings. I have reviewed the video and audio of the board meetings regarding these comments and found no evidence to support any allegation of inappropriate or intimidating behavior.

Ms. Richardson accused Commissioner Handy of telling Ms. Richardson's staff "she is a liar and is not to be trusted." I contacted the names provided by Ms. Richardson and these persons refuted Ms. Richardson's allegation. Further, there was no specific and direct evidence found to support the allegation of Commissioner Handy making untruthful comments about Ms. Richardson.

There is a communication and professional working relationship barrier between Ms. Richardson and Commissioner Handy that is dysfunctional. All persons interviewed recognized this problem, including Ms. Richardson, Commissioner Handy and the other Lane County Board of Commissioners. Ms. Richardson and Commissioner Handy were agreeable to seeking assistance from an outside mediator but Ms. Richardson declined after receiving a letter from Commissioner Handy's attorney. The attorney's letter addressed problems in Ms. Richardson's and Commissioner Handy's working relationship, making reference to accusatory and inflammatory emails from Ms. Richardson to Commissioner Handy. The attorney's letter was not a form of retaliation but a response to an ongoing problem that needed intervention then and still does today.

Ms. Richardson believes she has been retaliated against by Commissioners Sorenson and Handy because of her role as County Legal Counsel in the Dumdi lawsuit. Her belief is based on perception. The facts of this investigation do not support her complaint and there is no relevant evidence detected or found to meet the preponderance standard of validating Ms. Richardson's allegation of retaliation.

I would recommend that you safeguard and archive any documents that you possess that are associated to this case. Please keep this information confidential as Oregon's Public Records law and Lane County's Personnel and Administrative Policy and Procedures allow. Feel free to contact me at 971-409-8135 or email me at aolson@lgpi.org if you have any questions or if I can be of further assistance.

Sincerely,



Aaron T. Olson
Investigator

Enclosures: (1) Investigation Report
(60) Exhibits